

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DARREN MOORE,

Plaintiff,

vs.

Case No.: 2-10-cv-11824  
Honorable: Stephen J. Murphy, III  
Magistrate: Judge: Mona K. Majzoub

LIEUTENANT E. JONES, POLICE OFFICER  
JANOSKEY, POLICE OFFICER COLON,  
POLICE OFFICER S. SALISBURY, CITY OF  
DETROIT POLICE DEPARTMENT and CITY  
OF DETROIT,

Defendants.

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Serlin Trivax & Stearn, PLLC  
Attorney for Plaintiff  
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MARION R. JENKINS (P-26257)  
Assistant Corporation Counsel  
Attorney for Defendants  
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**ANSWER TO COMPLAINT ON BEHALF OF DEFENDANTS**  
**ERIC JONES, MICHAEL JANOSKEY, JESUS COLON**  
**AND SHANNON SALISBURY**

NOW COME Defendants Eric Jones, Michael Janoskey, Jesus Colon and Shannon Salisbury, by and through their undersigned attorneys who pursuant to Section 13-11-5 of the Detroit City Code reserve the right to withdraw as defense counsel in the event Defendants' representation request is not approved by the Detroit City Council, and in Answer to Plaintiff's Complaint, state as follows:

**FIRST DEFENSE**

The individual Detroit Police officers were engaged in the governmental function of law enforcement and are immune from liability. MCLA 691.1407 (2).

**SECOND DEFENSE**

Plaintiff has failed to state a claim against Defendants upon which relief can be granted.

**THIRD DEFENSE**

Any injury suffered by the Plaintiff was proximately caused by his own negligence and other wrongdoing, including serious wrongdoing that gives rise to the wrongful conduct defense as well as the comparative negligence defense.

**FOURTH DEFENSE**

The arrest of the Plaintiff, if any, was supported by probable cause and/or a valid warrant.

**FIFTH DEFENSE**

To the extent, if any, that these Defendants or anyone acting at the direction of or in concert with these Defendants used force against the Plaintiff, each such person acted in self-defense.

**SIXTH DEFENSE**

To the extent, if any, that these Defendants or anyone acting at the direction of or in concert with these Defendants used force against the Plaintiff, each such use of force was privileged and lawful because the force was reasonably applied in the execution of a lawful arrest or in the lawful performance of other police duties.

**SEVENTH DEFENSE**

These Defendants did not ratify, accept and/or otherwise condone any constitutional violations alleged in Plaintiff's Complaint. Furthermore, these Defendants did not act with deliberate indifference as to known or obvious consequences with respect to the activities alleged in Plaintiff's Complaint and/or as to any constitutional violations.

**EIGHTH DEFENSE**

The applicable Statutes of Limitation lapsed on some or all of Plaintiff's claims prior to filing of his Complaint.

**NINTH DEFENSE**

.The allegation contained in paragraphs 6 is admitted. Defendants deny the allegations contained in paragraphs 7, 9, 10, 11, 12, 14, 16, 17, 18, 20, 22, 23, 24, 25, 27, 29, 30, 31, 33, 35, 36, 37, 39, 41, 45, 46, 47, 50, 51, 52, 53 and 56 of Plaintiff's Complaint for the reason that the same are inaccurate and/or untrue. Defendants neither admits nor deny the rest and remainder of the allegations contained in Plaintiff's Complaint and leave Plaintiff to his proofs.

**RESERVATION OF ADDITIONAL DEFENSES**

These Defendants reserves the right to plead such additional defenses as may become known through research, investigation, discovery or otherwise.

**WHEREFORE**, Defendants, Eric Jones, Michael Janoskey, Jesus Colon and Shannon Salisbury, respectfully demand dismissal of the Plaintiff's claims or judgment of no cause of action on those claims, together with attorney fees and costs so wrongfully incurred.

Respectfully submitted,

/s/ Marion R. Jenkins  
Assistant Corporation Counsel  
Attorney for Defendants  
660 Woodward Avenue, Suite 1650  
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[Jenkmr@detroitmi.gov](mailto:Jenkmr@detroitmi.gov)

Dated: April 20, 2010 (P-26257)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

David B. Trivax (P-38798)  
Attorney for Plaintiff  
31780 Telegraph Road, Suite 120  
Bingham Farms, MI 48025

and hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s):

None.

/s/ Marion R. Jenkins  
Assistant Corporation Counsel  
Attorney for Defendants  
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